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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,630	06/11/2001	Robert E. Tolbert II	36968/254468 (BS00412)	3276

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EXAMINER
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BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
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2643

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DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/878,630

Applicant(s)

TOLBERT, ROBERT E.

Examiner

REXFORD N BARNIE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on appl filed 06/11/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement..

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Sennett (US Pat# 6,400,940).

Regarding claim 1, Sennett teaches a customer on line user guide provided by a computer program and medium providing instructions to perform the following steps:

Receiving a user input;

receiving manufacturer data would for instance read on ESN

receiving radio telephone model data would read on the MIN and type of the phone searching for an answer to a question or user problem and then display the answer to the user is taught by Sennett in (see col. 3).

Regarding claim 6, Sennett teaches storing and being to interact with a plurality of telephones based on MIN and ESN of the radiotelephones.

Regarding claim 7, see the explanation as set forth regarding claim 1.

Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Hoffman (US Pat# 6,622,017).

Regarding claim 14, Hoffman teaches a method for assisting a user to program a radiotelephone with the claimed limitation in (see disclosure-col. 10, col. 11 lines 28-35).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sennett (US Pat# 6,400,940).

Regarding claims 2-3, Sennett teaches a webpage to be accessed over the internet and fails to teach the feature "client environment" but the examiner takes official notice that it's well to associate client environment with data or computer networks such as the internet and therefore, would have been obvious to one of ordinary skill in the art

to use any desired communication device including computers to access information over a wide area network from a wide geographical area.

Claims 4-5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sennett (US Pat# 6,400,940) in view of Evans et al. (US Pat# 6,650,889).

Regarding claims 4-5, Sennett fails to teach transmitting information to a user in the described or claimed format. Evans teaches a mobile terminal capable of receiving information in a video format and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Evans into that of the Sennett in order to accommodate the disabled.

Regarding claim 9, Sennett teaches being able to activate a help menu for an answer. Furthermore, the examiner takes official notice that it's well known in the art to list a plurality of instructions in response to a "help menu" request.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sennett (US Pat# 6,400,940) in view of Dusse et al. (US Pat# 6,647,260).

Regarding claim 8, Sennett fails to teach the claimed subject matter in detail but Dusse teaches a method of provisioning services for a mobile telephone where a user can request a change of features in (see col. 7 lines 63-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dusse into that of Sennett thus making it possible to upgrade one's telephone with desired features for future usage.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (US pat# 6,622,017).

Regarding claim 15, Hoffman teaches using a manufacturer information as well as the model type to determine what features can be used for a telephone type but fails to teach storing this fields using different registers. The examiner takes official notice that it's well known to store information (unique) in different memory areas or registers to avoid interference or overwriting stored information.

Regarding claim 16, Hoffman teaches the possibility of receiving features associated with a plurality of radiotelephones wherein features can be unique to the phones. The examiner takes official notice that it's well known to display different types of phones offered by a service provider in addition to its features when buying telephones from telecommunications service providers or vendors over the website without having to go to a retail store to do so by using a scroll arrow.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (US Pat# 6,622,017) in view of Sennett or Fingerhut (US Pat# 6,636,489)

Regarding claim 17, Hoffman fails to teach inquiring about certain services through a help menu. It's notoriously known in communication to use a help menu to find out about problems such that instructions can be displayed to a user such in E-Mail services. Sennett teaches a communication system wherein help menu can be activated in regard to services in (see disclosure). Fingerhut teaches a wireless

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communication system wherein help and service information can be received in (see col. 7 lines 6-10)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of (Sennett or Fingerhut) into that of Hoffman thus making it possible to follow help instructions associated with a service for programming purposes when a certain telephone feature is desired.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (US Pat# 6,622,017) in view of Sennett (US pat# 6,400,940).

Regarding claim 10, Hoffman teaches over the air programming of wireless terminal features wherein displaying a menu list associated with a manufacturer and telephone types and then making a desired selection in (see cols.6, col. 10 and so forth). Hoffman fails to teach in detail the possibility of display different phone types on a website even though he hints to taking into account a manufacturer and telephone type. The examiner takes official notice that it's well known to access a telecommunication vendor website when purchasing a telephone and view different telephone or carriers or service plans and features associated with the phones via a scroll. Therefore, it would have been obvious to one of ordinary skill in the art to offer information associated with different telephone types by manufacturers so that one can make informed decisions.

The combination fails to teach being able to send a query and receiving a response as taught by Sennett specific to a telephone type. Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Sennett into the combination thus making it possible to program and configure telephone devices based on given instructions..

Regarding claims 12-13, see the explanation as set forth regarding claim 1.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (US Pat# 6,622,017) in view of Sennett (US pat# 6,400,940) and further in view of Evans et al. (US Pat# 6,650,889).

Regarding claim 11, the combination fails to teach transmitting information to a user in the described or claimed format. Evans teaches a mobile terminal capable of receiving information in a video format and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Evans into that of the combination in order to accommodate the disabled or the illiterate.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703) 306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER  
REXFORD BARNIE  
04/02/04

*R. Barnie*  
REXFORD BARNIE  
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